The Victorian Court Hierarchy Area of Study 3

#### The Victorian Courts

 The Victorian Court System is made up of 3 courts and 2 major specialist courts

# the Magistrates Court

- is the lowest in the court hierarchy
- all criminal cases come before the Magistrates court
- It has the most limited jurisdiction, but hears 90% of cases
- Its jurisdictions covers the following types of cases;
  - Summary Offences
  - Indictable Offences heard summarily
  - committal proceedings
  - warrants and bail applications
  - special courts or lists

# Summary

- Generally of a less serious nature
- and are heard and detirmined by a magistrate
- Ie. drunk and disorderly, traffic offences, minor drug cases

# Indictable offences heard sumarily

- Indictable offences are more serious and are heard by a judge and jury in a higher court.
- This means the accused may elect to have some indicable offences heard in the magistrates court in the same way as a summary offence.
- The courts jurisdictional limit is at \$100,000

# Committal Hearing

- Committal proceedings for indictable offecnes are heard in the magistrates court.
- its purpose is to detirmine whether there is sufficant evidence to justify a conviction by a jury in a higher court.
- it does not decide on a guilty or innocent charge

#### Warrants and Bail

- Bail is the release of a person charged with an offence on the condition that they appear in court.
- If the person does not come to court on that specific day the bail is lost
- Surety can be asked for

# Specialists in the Magistrates court

- the magistrate court includes specialist jurisdictions that are designed to deal with diffrent issues.
- they are generally less formal
- more flexible and focus on solutionss to specific problems

# Specialist Lists in the Mag

#### Drug Court

- sentences and supervises the treatment of offenders who have committed an offence under the influence.
- An offender will bbe sentences to a two-year drug treatment order

- The infringments court
- Deals with the processing and enforcements of infringment notices

### Specialists in the Magistrate

- Justice Centres
- opperate as community centres and multijurisdictional courts.

- Family Violence Court Division
- hears matters relating to domestic violence and aims to make the process of applyin g for an intervention order easier

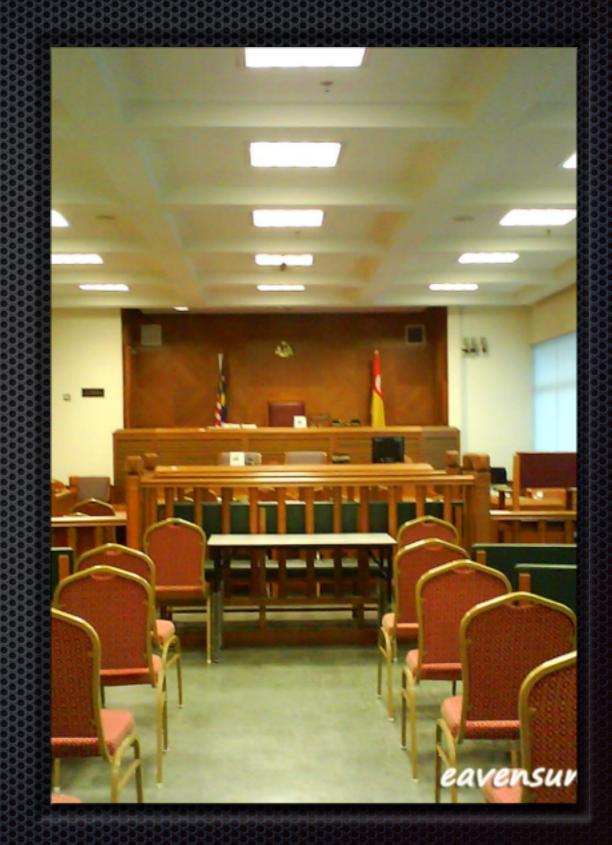
# Specialists of The Magistrate

#### The Koori Court

- sentences aboriginal defendants who have pleaded guilty
- Informal and allows the aboriginal community to participate in the court process.
- Aboriginal Elder will help

- Assesment and Referral Court list
- for mental health issues
- Sexual Offenders List
- used for hearing all cases realting to a charge for sexual offence

# The Coroners Court



# The Coroners Court

- The Coroners Act 2008 (Vic) establishes the first inquisitorial court
- The coroner (magistrate) has the power to investigate reportable deaths, reviewable deaths and fire.
- Reportable deaths are deaths where;
  - a person dies suddenly
  - homicide is suspected
  - the person who dies was being held in care (by the state)
  - the identity of the deceased is unknown.
  - The death occurred under prescribed circumstances
  - the attourney general or state coroner directs the trial

# Coroners Court

- The reviewable death is where there has been a seconder or subsequent death of a child in a family.
  Doctors and police officers must report this regardless of the circumstances.
- they can also advise on how fires can be avoided in the future and to inform the community on the courts findings.



#### The Children's Court

### Children's Court

- A child is defined as anyone under 18 at the time of the offence and who is under the age of 19 when the case is being heard.
- There are 2 divisions, the children's court and the children's koori court

- the children's court has the power to hear most cases concerning children. (between 10-18), usually including
  - all summary offences
  - all indictable offences apart from the most serious (murder, manslaughter, death)
  - committal hearings
  - bail applications

# Family Division

- Younger people under the age of 17 who are in need of care and protection
- usually if they are abandoned or ill treated, their parents do not exercise sufficient control.
- They can also hear cases in which "irreconcilable differences" between the parent and child that are likely to result in a serious disruption to the younger persons care.

### Childrens Koori Court

the court room is structured around an oval table

- magistrate, 2 elders, the prosecutor, youth justice worker, the defence lawyer, the defendant and family members and any other particpants.
- Has similar powers to the Childrens court